

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWARD RINGGOLD,

Plaintiff,

v.

BURGETT INC., et al.,

Defendants.

No. 2:22-cv-00836-DAD-CKD

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANTS' MOTION TO DISMISS,
WITH LEAVE TO AMEND

(Doc. Nos. 22, 34)

Plaintiff Edward Ringgold, proceeding *pro se*, initiated this civil action on May 18, 2022. (Doc. No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 4, 2023, the assigned magistrate judge issued findings and recommendations recommending that defendants' motion to dismiss plaintiff's second, third, and fourth claims (Doc. No. 22) be granted, and that plaintiff be granted an opportunity to file a second amended complaint to attempt to cure the defects identified with respect to those three claims. (Doc. No. 34.) The findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 16.) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has now passed.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
2 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
3 findings and recommendations are supported by the record and by proper analysis.

4 Accordingly:

- 5 1. The findings and recommendations issued on January 4, 2023 (Doc. No. 34) are
6 adopted in full;
- 7 2. Defendants' motion to dismiss plaintiff's second, third, and fourth claims (Doc.
8 No. 22) is granted, with leave to amend;
- 9 3. Within thirty (30) days from the date of this order, plaintiff may file a second
10 amended complaint to cure the defects identified in the findings and
11 recommendations; and
- 12 4. This action is referred back to the assigned magistrate judge for further
13 proceedings.

14 IT IS SO ORDERED.

15 Dated: February 13, 2023

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18 UNITED STATES DISTRICT JUDGE
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